

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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<p>In re:</p> <p>R & S ST. ROSE, LLC,</p> <p style="text-align: right;">Debtor</p> <hr/> <p>COMMONWEALTH LAND TITLE INSURANCE COMPANY,</p> <p style="text-align: right;">Appellant(s),</p> <p style="text-align: center;">v.</p> <p>R & S ST. ROSE, LLC,</p> <p style="text-align: right;">Appellee (s).</p>	<p>BK-S-11-14974—mkn Appeal 14-51</p> <p>Chapter 11</p> <p>Case No. 2:14-CV-1399 JCM</p>
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Presently before the court is the bankruptcy appeal of *Commonwealth Land Title Insurance Company v. R&S St. Rose, LLC, et al.*, case number 2:14-cv-01399-JCM.

The notice of appeal was filed in this case on August 27, 2014. (Doc. # 1). On August 28, 2014, the court ordered that the designation of reporters and recorders transcripts should be filed with the clerk of bankruptcy court so the certificate of record on appeal could be timely transmitted to the district court. (Doc. # 2).

As of April 14, 2015, the court had not received the certificate of bankruptcy record on appeal. Therefore, the court ordered appellant to file its designation of record and statement of the issues with the clerk of the bankruptcy court by April 21, 2015. The court further ordered appellant to file documentation with this court demonstrating compliance and addressing the status of the

1 record on appeal, by the same date. The court noted that failure to comply with the order would
2 result in dismissal of the instant appeal with prejudice. (Doc. # 3).

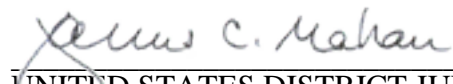
3 The deadline to comply with the court's order has now passed. Appellant has not complied
4 with the court's order and still fails to follow the applicable rules. As a result, this appeal will be
5 dismissed with prejudice. *See* Fed. R. Civ. P. 41(b); *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir.
6 1995) (holding that district court did not err in dismissing complaint for failure to comply with
7 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992); *In re Ball*, No. CV-05-4015-
8 PHX-DGC, 2006 WL 1328799, at *1 (D. Ariz. May 12, 2006) (warning appellant that failure to
9 prosecute bankruptcy appeal or comply with rules and court order may result in dismissal with
10 prejudice); *see also* D. Nev. R. 8070 (providing that an appeal may be dismissed for
11 nonprosecution, by the court on its own motion after notice to the parties, when an appellant fails
12 to comply with applicable rules or timely file the excerpts and designation of record).

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the bankruptcy appeal
15 of *Commonwealth Land Title Insurance Company v. R&S St. Rose, LLC, et al.*, case number 2:14-
16 cv-01399-JCM, be, and the same hereby is, DISMISSED with prejudice.

17 The clerk shall close the case.

18 DATED April 28, 2015.

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20 UNITED STATES DISTRICT JUDGE
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